

PB# 88-6

**Small Town Land
(SP)**

13-14-22

Small Town Land Site Plan 88-6

Approved 7/13/88

Approved

7/15/88

General Receipt

9617

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

Received of

Keith Williams

\$ *25.00*

Twenty five and

00
100

DOLLARS

For

Planning Board App. Fee - #88-6

DISTRIBUTION

FUND	CODE	AMOUNT
<i>Cash</i>		<i>25.00</i>

By

Pauline G. Townsend
ES

Town Clerk

Title

INTER-OFFICE CORRESPONDENCE

88-6

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: APPLICATION OF KEITH WILLIAMS-PB FILE# 88-6 (ZBA#88-39)
DATE: June 28, 1988

This applicant has been referred to the ZBA by the Planning Board for an interpretation as to whether a variance is required for a lot line change.

At the June 27, 1988 meeting of the ZBA, the following motion was made in this instance:

Motion by Richard Fenwick, seconded by Lawrence Torley, that in the opinion of the ZBA, the Williams property meets all the bulk requirements for this area and no variances are required at this time and that the Planning Board be so informed. ROLL CALL: 6-0.

James Nugent, Chairman

/pab

cc: Building Inspector

~~CONFIDENTIAL~~ 5-25-88
Mr. Keith Williams came before the Board.

Mr. Williams: The former owner, John Duda owned this property and the corner property connected to it and in the 70's he subdivided this lot for the purpose of selling it at a future date for part of his requirement. He did not intend the existing garage to be included in the lot. Somewhere at the time between him and the surveyor, a mistake was made and we are trying to correct it. The lot line change would also make the lot squarer and much better.

Mr. Jone: He's got that garage right on the property line.

Mr. Williams: Yes, on the front that is why I want the lot line change.

Mr. Van Leeuwen: If you put the lot line right next to the building, you have to go get a variance.

Mr. Scheible: Have you been before the Zoning Board at all?

Mr. Williams: What for?

Mr. Scheible: For a variance. since your garage, the way you have the new line would be right on top of the line.

Mr. Van Leeuwen: You are supposed to have 15 feet there.

Mr. Scheible: It should be 15 feet separating your lot line and the garage and the nearest building.

Mr. Mc Carville: Is there a dwelling on this property other than the garage?

Mr. Williams: Yes.

Mr. Mc Carville: Where is it? It should be shown.

Mr. Williams: It sits right here.

Mr. Van Leeuwen: Do you own both pieces?

Mr. Williams: No, John Duda still owns the corner piece.

Mr. Van Leeuwen: You are going to build a house?

Mr. Williams: I have a building permit. I don't need the lot line change to continue building because there is no problem between me and John but if I ever want to sell I'd never get clear title with the garage half on my property. It is not going to benefit me.

Mr. Mc Carville: You have to have a variance. We can't approve this garage being on the property line. You'd need a 15 foot side yard variance. Can you get a variance on a lot line that doesn't exist?

Mr. Rone: He's already got a non-conformance. The lot line runs right through the garage for whatever reason. You are not creating anything and you are not creating anything worse by moving the lot line over.

Mr. Williams: In the 70's this Town Board approved that lot line right through the garage. They approved that so we are just trying to correct that.

Mr. Jones: I have been on the Planning Board for 18 years and I have never seen a lot line change like that.

Mr. Williams: It wasn't shown properly at the time.

Mr. Rones: More likely, surveyor's error at some point.

Mr. Williams: The garage was built in the 30's.

Mr. Van Leeuwen: If somebody brings in a map and does not show that garage or if that arage was left off, which happens, if somebody doesn't want you to see something, they leave it off. It might very well have been left off. Somebody may have took a tape and started measuring and didn't know where he was. I make

a motion that the Planning Board of the Town of New Windsor approve the Small Town Land lot line change.

Mr. Scheible: I have a question. You are at the intersection of Clancy and Cherrie? What else is there besides just the garage on that lot. Where is the house here.

Mr. Williams: The Duda house is right here on this corner.

Mr. Scheible: You are not showing that either.

Mr. Van Leeuwen: We cannot approve this the way it is.

Mr. Mc Carville: Why can't you?

Mr. Van Leeuwen: Because you are approving an illegal lot.

Mr. Mc Carville: It is already illegal it has a lot line going through the garage.

Mr. Williams: I am changing the front corner.

Mr. Mc Carville: On this issue here with the lot line again what you are saying since it is running through the garage, we are not creating anything any worse, we are creating a better situation. Therefore a variance is not required.

Mr. Roness: Right. It is already non-conforming. It is already non-conforming lot as far as the bulk tables are concerned and for setbacks so you are not creating the non-conformity. You are confronted with the non-conformity.

Mr. Pagano: We have one tenth of a foot clearance I agree that the line should be changed but one tenth of a foot is not enough for a guy to maintain a garage to get around it. Otherwise you are going to have personality problems here.

Mr. Scheible: We have a chance here, we'd be making this proposed lot too small. If you give it any more footage then it would be--

Mr. Edsall: My comment was addressed for consideration of Mr. Roness and he indicated from his review that being that it is a non-conforming lot already, the decrease of the lot area to straighten out this actual bad situation with the lot line going through the garage would not require a variance.

Mr. Schiefer: You are making a lot that is too small, smaller yet and you don't need any variance.

Mr. Van Leeuwen: You have it in item four that you do.

Mr. Edsall: They have to show that the dwelling-- we require 15 foot setback for the side yard to the north of the proposed dwelling. It is going to indicate what size house you are allowed to have. You are going to build a house on the available space.

Mr. Roness: If you have any doubt as to whether the variance is needed, the proper thing to do is refer it to the Zoning board for their review. If they feel a variance is necessary, they will set him up for a public hearing. If

they don't they will shoot him back here. They are the agency that is supposed to be interpreting the ordinance. So if there is any ambiguity in your mind, that is what you should do.

Mr. Scheible: We are not asking them to do site plans. If we approve this, we are issuing a variance that is the way I look at it. I believe this should go back to the Zoning Board. I don't want them to say well, the Planning Board is issuing a variance now, so we can start issuing site plan reviews.

Mr. Williams: Can I bring to the Board's attention that I don't even need to get a lot line change to continue building. It is well within the requirements now. The only purpose to doing this would be to enable a clear title to the sale of the house one day.

Mr. Scheible: When you go to sell this house, this proposed building, do you intend to sell it?

Mr. Williams: Yes, I do.

Mr. Scheible: Somebody would have to get a mortgage. Unless you get your variance, you will never get a mortgage. So, the best thing for you to do is go to the Zoning Board and I can't see any reason why they are not going to give you a variance. You just plan to put a spec house up?

Mr. Williams: That is it.

Mr. Scheible: You are going to run into problems when you try and sell the house.

Mr. Ronen: It is really both your problems. So, really the best thing to do if you want to try and get it straightened out and improve the marketability of the place you are putting up here is to make your application to the Zoning Board. They might send you back here not needing a variance or if they decide you will need one, they will set you up. I suggest you have your neighbor join in that application.

Mr. Schiefer: I make a motion that the Planning Board of the Town of New Windsor approve the lot line change of Small Town Land, Inc.

Mr. Van Leeuwen I will second that.

ROLL CALL

MR. LANDER	NAY
MR. JONES	NAY
MR. PAGANO	NAY
MR. VAN LEEUWEN	NAY
MR. MC CARVILLE	NAY
MR. SCHIEFER	NAY
MR. SCHEIBLE	NAY



McGOEY and HAUSER
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
Associate

Licensed in New York,
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: WILLIAMS (AKA SMALL TOWN LAND)
LOT LINE CHANGE
PROJECT LOCATION: CHERRY AVENUE NEAR CLANCY
PROJECT NUMBER: 88-06
DATE: 25 MAY 1988

1. The Applicant has submitted a plan for a proposed Lot Line Change between Lots 22 and 1 of Section 13, Block 14. It is understood from the plan that the purpose of this change is to place an existing garage totally within a single property. Currently, the existing property line "splits" the existing garage.
2. The existing Lot No. 22 currently is a nonconforming lot, having less than minimum lot area and lot width. The proposed action will result in a further decrease in the lot area and lot width. The Board should verify if a variance is required for this action.
3. It is recommended that the Planning Board have sufficient documentation on record, acceptable to the Attorney, that both Owners give consent to this Lot Line Change.
4. The Plan should indicate that a minimum 15" setback is required for the side yard to the north of the proposed dwelling.
5. It should be verified that the garage, which is currently "split" by the property line is intended for ownership by the Owners of Lot No. 1.

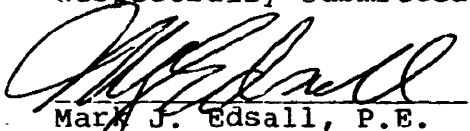
TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: WILLIAMS (AKA SMALL TOWN LAND)
LOT LINE CHANGE
PROJECT LOCATION: CHERRY AVENUE NEAR CLANCY
PROJECT NUMBER: 88-06
DATE: 25 MAY 1988

-2-

6. I find the purpose of the proposed action very appropriate and the layout of the Lot Line Change acceptable. Upon review of the items above and obtaining any variances required (if any), I would recommend approval of this proposed Lot Line Change, from an Engineering standpoint.

Respectfully Submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJE.emj

william2emj

OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, N.Y.

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

P/B File No. EE-6

Date 9 JUNE 1988

To: KEITH WILLIAMS
518 BALMORAL CIRCLE
NEW WINDSOR N.Y. 12550

PLEASE TAKE NOTICE that your application dated _____
for (~~Subdivision~~ ~~Site Plan~~) LOT LINE CHANGE
located at CHERRY AVENUE

is returned herewith and disapproved for the following reasons.

INTERPRETATION NEEDED RE: RESULTANT
REDUCTION IN LOT AREA DUE TO LOT
LIVE CHANGE.

HENRY SCHEIBLE *HS*
Planning Board Chairman

R-4 NONCONFORMING 48-26
Requirements

Min. Lot Area 5000 SF
 Min. Lot Width N/A
 Req'd Front Yd. 35 FT
 Req'd. Side Yd. 12/24 FT.
 Req'd. Rear Yd. 40 FT
 Req'd. Street
 Frontage* 50 FT
 Max. Bldg. Hgt. 35 FT
 Min. Floor Area* 1000 SF
 Dev. Coverage* N/A %
 Floor Area Ratio N/A

Proposed or
Available

6982 SF±
66 FT.
35 FT
15/30 FT.
48 FT
68 FT
35 FT
1000 FT
N/A %
N/A

Variance
Request

—
—
—
—
—
—
—
—
— %
—

* Residential Districts only

** Non-residential Districts only



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

TOWN OF NEW WINDSOR PLANNING BOARD

CHECKLIST FOR COMPLETE SUBMITTALS AND ROUTING CHECKLIST

PROJECT NAME: Small Town Land Use Plan
PROJECT NUMBER: 88-6

Completed Application Form	<u>✓</u>
Notarized Endorsement on Application	<u>✓</u>
Application Fee	<u>✓</u>
Proxy Statement	<u>✓</u>
Environmental Assessment Form	<u>✓</u>
Completed Checklist	<u>✓</u>
Fourteen (14) Sets of Submittal Plans	<u>✓</u>

ROUTING PROCEDURE

Copies of the submitted plan should be sent to the following departments.

Sewer Department	_____	Building Inspector	_____
Planning Board Engineer	_____	Water Department	_____
Orange County Planning*	_____	Highway Department	_____
Bureau of Fire Prevention	_____	NYSDOT*	_____

In addition copies of the following should be sent to the Planning Board Engineer:

Application	_____	EAF	_____
Submittal Checklist	_____	Dept. Review	_____

* O/C Planning and DOT as required.

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

(This is a two-sided form)

Date Received _____
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid _____

APPLICATION FOR SITE PLAN, LOT-LINE CHANGE
OR SUBDIVISION PLAN APPROVAL

1. Name of Project KEITH WILLIAMS LOT LINE CHANGE
2. Name of Applicant KEITH WILLIAMS Phone 565 5566
Address 518 BALMORAL CIRCLE NEW WINDSOR N.Y. 12550
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record SAME Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan FRANK HOENS Phone 294 6238
Address 15 WILLIAMS ST. GOSHEN N.Y.
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney DAVID HANNIGAN Phone 651 3190
Address MAIN ST. FLORIDA N.Y.
(Street No. & Name) (Post Office) (State) (Zip)
6. Location: On the EAST side of CHERRY AVE
100 feet SOUTH
(Street) (Direction)
of CLANCY AVE.
(Street)
7. Acreage of Parcel 81' X 110' 8. Zoning District R4
9. Tax Map Designation: Section 13 Block 14 Lot 22
10. This application is for A LOT LINE CHANGE ON THE
NORTH SIDE OF THE PROPERTY
11. Has the Zoning Board of Appeals granted any variance or a special permit concerning this property? NO

If so, list Case No. and Name _____

12. List all contiguous holdings in the same ownership

Section NONE Block _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

Keith Williams

OWNER'S ENDORSEMENT

(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

Keith Williams being duly sworn, deposes and says that he resides at 518 BALMORAL CIRCLE in the County of ORANGE and State of N.Y. and that he is (the owner in fee) of SMALL TOWN LAND INC. (Official Title)

of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized himself to make the foregoing application for Special Use Approval as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

Keith Williams
(Owner's Signature)

28 day of February 1988

(Applicant's Signature)

Lynn M. Vance
Notary Public

(Title)

LYNN M. VANCE
Notary Public, State of New York
No. 4911142
Appointed in Orange County
My Commission Expires November 18, 1989

REV. 3-87

SHORT ENVIRONMENTAL ASSESSMENT FORM
Appendix B Part 617

Project Title: KEITH WILLIAMS LOT LINE CHANGE
Location: CHERRY AVE. NEW WINDSOR, N.Y.
ID Number: 13-14-22

INSTRUCTIONS:

- (a) In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies, research or other investigations will be undertaken.
- (b) If any question has been answered **Yes**, the project may have a significant effect and the full Environmental Assessment Form is necessary. **Maybe** or **Unknown** answers should be considered as **Yes** answers.
- (c) If all questions have been answered **No** it is likely that this project will not have a significant effect.
- (d) If additional space is needed to answer the questions, please use the back of the sheet or provide attachments as required.

ENVIRONMENTAL ASSESSMENT

- | | YES | NO |
|--|--------------------------|-------------------------------------|
| 1. Will project result in a large physical change to the project site or physically alter more than 10 acres of land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Will there be a major change to any unique or unusual land form found on the site? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Will project alter or have a large effect on an existing body of water? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Will project have an adverse impact on groundwater quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Will project significantly effect drainage flow on adjacent sites? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Will project affect any threatened or endangered plant or animal species? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Will project result in a major adverse effect on air quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. Will project have a major effect on the visual character of the community or scenic views or vistas known to be important to the community? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. Will project adversely impact any site or structure of historic, prehistoric, or paleontological importance or any site designated as a Critical Environmental Area by a local agency? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10. Will project have a major adverse effect on existing or future recreational opportunities? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 11. Will project result in major traffic problems or cause a major effect to existing transportation systems? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 12. Is project non-farm related and located within a certified agricultural district? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 13. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbance as a result of the project's operation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 14. Will project have any adverse impact on public health or safety? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 15. Will project affect the existing community by directly causing a growth in permanent population of more than 5 percent over a one-year period or have a major negative effect on the character of the community or neighborhood? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 16. Is there public controversy concerning any potential impact of the project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

FOR AGENCY USE ONLY

Preparer's Signature: Keith K. Williams Date: 2/25/88
Preparer's Title: _____
Agency: _____

PROXY STATEMENT

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

KEITH WILLIAMS, deposes and says that he
resides at 518 BALMORAL CIRCLE NEW WINDSOR N.Y.
(Owner's Address)

in the County of ORANGE

and State of N.Y.

and that he is the owner in fee of SMALL TOWN LAND INC.
13-14-22 LOT

which is the premises described in the foregoing application and

that he has authorized ~~himself~~ REBECCA H. WILLIAMS
to make the foregoing application as described therein.

Date: 2/25/88

Keith K. Williams
(Owner's Signature)

(Witness' Signature)

TOWN OF NEW WINDSOR PLANNING BOARD
SITE PLAN CHECKLIST

ITEM

- | | |
|---|--------------------------------|
| 1. <input checked="" type="checkbox"/> Site Plan Title | 29. ___ Curbing Locations |
| 2. <input checked="" type="checkbox"/> Applicant's Name(s) | 30. ___ Curbing Through |
| 3. <input checked="" type="checkbox"/> Applicant's Address(es) | Section |
| 4. <input checked="" type="checkbox"/> Site Plan Preparer's Name | 31. ___ Catch Basin Locations |
| 5. <input checked="" type="checkbox"/> Site Plan Preparer's Address | 32. ___ Catch Basin Through |
| 6. ___ Drawing and Revision Dates | Section |
| 7. ___ 4"x2" Box for Approval | 33. ___ Storm Drainage |
| Stamp. | 34. ___ Refuse Storage |
| 8. ___ AREA MAP INSET | 35. ___ Other Outdoor Storage |
| 9. ___ Site Designation | 36. ___ Area Lighting |
| 10. ___ Properties Within 500 Feet | 37. ___ Sanitary Disposal Sys. |
| of Site | |
| 11. ___ Property Owners (Item #10) | 38. ___ Water Supply/Fire |
| | Hydrants |
| 12. ___ PLOT PLAN | 39. ___ Building Locations |
| 13. ___ Scale (1" = 50' or lesser) | 40. ___ Building Setbacks |
| 14. ___ Metes and Bounds | 41. ___ Front Building |
| 15. ___ Zoning Designation | Elevations |
| 16. ___ North Arrow | 42. ___ Divisions of Occupancy |
| 17. ___ Abutting Property Owners | 43. ___ Sign Details |
| 18. ___ Existing Building Locations | 44. ___ BULK TABLE INSET |
| 19. ___ Existing Paved Areas | 45. ___ Property Area (Nearest |
| 20. ___ Existing Vegetation | 100 sq. ft.) |
| 21. ___ Existing Access & Egress | 46. ___ Building Coverage (sq. |
| | ft.) |
| <u>PROPOSED IMPROVEMENTS</u> | 47. ___ Building Coverage (% |
| 22. ___ Landscaping | of Total Area) |
| 23. ___ Exterior Lighting | 48. ___ Pavement Coverage (Sq. |
| 24. ___ Screening | Ft.) |
| 25. ___ Access & Egress | 49. ___ Pavement Coverage (% |
| 26. ___ Parking Areas | of Total Area) |
| 27. ___ Loading Areas | 50. ___ Open Space (Sq. Ft.) |
| 28. ___ Paving Details | 51. ___ Open Space (% of Total |
| (Items 25-27) | Area) |
| | 52. ___ No. of Parking Spaces |
| | Proposed. |
| | 53. ___ No. of Parking |
| | Required. |

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By: _____
 Licensed Professional

Date: _____



FRANK M. HOENS
PROFESSIONAL LAND SURVEYOR
GOSHEN, NEW YORK